

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85919183
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION (no change)	
ARGUMENT(S)	
<p>Applicant respectfully requests that, because the present appeal is at its early stages, the Examining Attorney reconsider the final refusal to register issued on February 28, 2014, and move the present application to publication for the reasons previously stated by Applicant and for the additional reasons that follow, all of which are responsive to the assertion that the above-referenced mark is “merely descriptive.”</p> <p>Remarks</p> <p>To be “merely” descriptive, the term must be “only” descriptive, i.e., the term serves no purpose other than to describe the goods or services. <i>In re Quick-Print Copy Shop, Inc.</i>, 205 U.S.P.Q. 505 (C.C.P.A. 1980) (“merely” means “only”). In other words, when considered in conjunction with the particular goods, a mark is merely descriptive if it does nothing but describe those goods. <i>In re Colonial Stores, Inc.</i>, 157 U.S.P.Q. 382, 385 (C.C.P.A. 1968). If a proposed mark does not clearly tell the potential customer "only" what the goods are, then the mark is not merely "descriptive." <i>In re QuikâPrint</i>.</p> <p>Applicant respectfully submits that the Applicant’s mark, which is a composite mark which is to be considered as a whole, is not merely descriptive. In this regard, Applicant submits that the present mark is similar to the mark “HOMEFOAMERS” in <i>Scientific Applications, Inc. v. Energy Conservation, Corp.</i>, 195 U.S.P.Q. 379 (N.D. GA. 1977), in which the court found that the composite mark HOMEFOAMERS was not descriptive for services relating to installation of foam building insulation. Similarly, in <i>Modular Cinemas of America v. Mini Cinemas Corp.</i>, 175 U.S.P.Q. 355 (S.D. N.Y. 1972) the court found that the mark “MINI CINEMA” was not merely descriptive as applied to small theaters. Again, a combination of two otherwise descriptive terms resulted in a distinctive mark.</p> <p>In the present case, Applicant’s <u>own</u> registered composite LINK 4 LEARNING mark for “Providing</p>	

temporary use of non-downloadable web-based computer software for use by schools and educators to provide student assessment and learning solutions” in Int’l Class 42 is a case in point. See attached EXHIBIT A-9, which is a TESS database sheet for the LINK 4 LEARNING mark. While the CURRICULUM4SCHOOLS mark may be “suggestive” of the services with which the mark is used, it is not, nor was it at the time of the prosecution of its application, merely descriptive. Applicant respectfully submits that the composite mark of the present application is likewise suggestive, but not merely descriptive.

In further support of its position of suggestiveness of the mark of the present case, Applicant supplements the record herein by providing reference to the following marks that similarly fit into this category:

(a) The mark SURF 4 CHANGE for “*Providing temporary use of non-downloadable web-based computer software for use by schools and educators to provide student assessment and learning solutions*” in Int’l Class 9. This mark has been issued an Office Action that does not include a “merely descriptive” basis for refusal to register. See attached EXHIBIT A-10.

(b) The mark TRANSITIONS OF CARE 4 MEDICINE for “*Computer software for controlling and managing patient medical information*” in Int’l Class 9. See attached EXHIBIT A-11.

(c) The mark FOOD 4 LESS for “*Computer application software for mobile digital devices for use by grocery store shoppers*” in Int’l Class 9. The Section 2(f) claim does not relate to this class of goods. See attached EXHIBITS A-12 and A-13, the latter being the stylized version of the mark.

(d) The mark FIT GIRL 4 LIFE for “*Pre-recorded DVDs in the fields of health and fitness, nutrition, exercise, hair and skin care, and lifestyle coaching; Electronic publications, namely, books, magazines and manuals in the fields of health and fitness, nutrition, exercise, hair and skin care, and lifestyle coaching; Computer application software for mobile phones, namely, providing video workouts, nutritional information and program progress tracking*” in Int’l Class 9. This mark was published for opposition on January 14, 2014. See attached EXHIBIT A-14.

(e) The mark BREAST IMPLANTS 4 YOU for “*Collection and compilation of information into computer databases in the field of consumer information and education regarding breast augmentation*” in Int’l Class 35. See attached EXHIBIT A-15.

(e) The mark FOCUS 4 HEALTH for, *inter alia*, “*Providing a web site featuring information on health and nutrition; Providing a website featuring information about health, wellness and nutrition; Providing an on-line computer database featuring information regarding health and nutrition*” in Int’l Class 44. See attached EXHIBIT A-16.

(f) The mark TECH 4 TECHS for “*Providing an online computer data base featuring technical information about vehicle repair and maintenance; technical support services, namely, providing technical advice in the field of vehicle repair and maintenance; technical support services; namely, troubleshooting in the nature of diagnosing problems with vehicles*” in Int’l Class 37 and for “*Providing on-line chat rooms for the transmission of messages among vehicle repair and maintenance technicians and customers in the field of technical vehicle repair*” in Int’l Class 38. See attached EXHIBITS A-17 and A-18, the latter of which is the word plus design version of the mark.

(g) The mark MUSIC 4 LIFE for, *inter alia*, “*Entertainment services, namely, providing radio programs in the field of music medicine, stress management, healing music and music therapy via a global computer network*” in Int’l Class 41. See attached EXHIBIT A-19.

(h) The mark BARGAINS 4 BUSINESS (PLUS DESIGN) for, *inter alia*, “*promoting the goods and services of others by providing a website featuring discount vouchers; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; business services, namely, providing computer databases regarding the purchase and sale of a wide variety of products and services of others*” in Int’l Class 35. See attached EXHIBIT A-20.

(i) The mark FASHION 4 HOME (STYLIZED) for, *inter alia*, “*merchandising services, including via the Internet, in relation to furniture, furnishings, storage boxes, toys, carpets, electric and non-electric household and kitchen utensils, glassware, ceramics, porcelain, metal and plastic goods for household and kitchens purposes, jars for household and kitchen purposes, cooking pot sets, and in relation to decorative articles*” in Int’l Class 35. See attached EXHIBIT A-21.

(j) The mark BIZ 4 THE REST OF US for, *inter alia*, “*Computer services for business continuity for normal operations and workflow improvements, namely, information flow*” in Int’l Class 42. See attached EXHIBIT A-22.

(k) The mark CONNECT 4 TECH SOLUTIONS (PLUS DESIGN) for “*Integration of computer systems and networks, including hubs, switches, routers and home theatre hardware and software*” in Int’l Class 42. See attached EXHIBIT A-23.

(l) The mark PARTNERS 4 PRICING for “*Computer software, namely software to manage and update inventory lists and pricing*” in Int’l Class 9. See attached EXHIBIT A-24.

(m) The mark 4 ALL MEMORY for “*Retail store services in the fields of computer hardware, computer peripherals, and electronic data storage media; retail store services rendered via a global computer network in the fields of computer hardware, computer peripherals, and electronic data storage media*” in Int’l Class 35. See attached EXHIBIT A-25.

(n) The mark MAP 4 CHANGE (PLUS DESIGN) for “*Computer services, namely, providing an interactive website that allows users to create maps through web-based mapping tools and to participate in discussion through letter-writing, blogging and discussion forum tools*” in Int’l Class 42. See attached EXHIBIT A-26.

(o) The mark TRADE 4 LIFE for, *inter alia*, “*Entertainment services, namely, a continuing reality program accessible by television, satellite, and computer networks about kitchen and bathroom construction in which participants learn beginning construction and self development then use those skills*” in Int’l Class 41. See attached EXHIBIT A-27.

(p) The mark SYNERGY 4 HEALTH (PLUS DESIGN) for, *inter alia*, “*Providing business management and project management services for furnishing medical equipment and supplies, medical and office furnishings, audio-visual software and hardware, and cabinetry, all for healthcare environments*” in Int’l Class 35. See attached EXHIBIT A-28.

(q) The mark TOP MOVING COMPANY 4 YOU for “*Providing an on-line computer database featuring consumer information in the field of moving companies*” in Int’l Class 35. See attached EXHIBIT A-29.

(r) The mark CALL 4 HEALTH for, *inter alia*, “*Management and operation of telephone call centers for others for the medical and health care industries*” in Int’l Class 35. See attached EXHIBIT A-30.

(s) The mark 4 EVERY GIRL for “*Educational services, namely, a continuing program addressing issues concerning the positive and negative portrayals of young women in the entertainment field accessible by radio, television and satellite, and computer network*” in Int’l Class 41. See attached EXHIBITS A-31 and A-32, the latter being a words plus design version of the mark.

(t) The mark WIRED 4 SOUND (PLUS DESIGN) for, *inter alia*, “*technical support services, namely, troubleshooting of computer hardware and software problems relating to audio, video, and surveillance equipment; technology consultation and research in the field of audio, video, and surveillance*” in Int’l Class 42. See attached EXHIBIT A-33.

(u) The mark HOSTING 4 LESS for “*Hosting the web sites of others on a computer server for a global computer network*” in Int’l Class 42. See attached EXHIBIT A-34.

(v) The mark HOSTING 4 LESS.COM (PLUS DESIGN) for “*Hosting the web sites of others on a computer server for a global computer network*” in Int’l Class 42. See attached EXHIBIT A-35

For at least these reasons and for reasons previously stated by Applicant in its Response dated February 6, 2014, to the Office Action dated August 7, 2013, Applicant respectfully submits that the proposed mark is

not merely descriptive and the refusal under Section 2(e)(1) should be withdrawn.

Included with this Request is a substitute specimen that Applicant submits meets the requirements of a suitable specimen for this mark.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)

ORIGINAL PDF FILE

[evi_6413266164-20140828143401987208_. Exhibits_A-9_to_A-35_to_Request_11910155_.pdf](#)

CONVERTED PDF FILE(S) (52 pages)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0002.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0003.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0004.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0005.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0006.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0007.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0008.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0009.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0010.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0011.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0012.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0013.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0014.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0015.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0016.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0017.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0018.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0019.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0020.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0021.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0022.JPG](#)

[\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0023.JPG](#)

[illegible]

DESCRIPTION OF EVIDENCE FILE	Exhibits A-9 through A-35 consisting of TESS Database sheets
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Computer software that provides web-based access to applications and services through a web operating system or portal interface	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/2009
FIRST USE IN COMMERCE DATE	At least as early as 00/00/2009
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Computer software that provides web-based access to applications and services through a web operating system or portal interface	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/2009
FIRST USE IN COMMERCE DATE	At least as early as 00/00/2009
STATEMENT TYPE	"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" <i>[for an application based on Section 1(a), Use in Commerce]</i> OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" <i>[for an application based on Section 1(b) Intent-to-Use]</i> .
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPU0-6413266164-20140828143401987208 . Substitute Specimen 11910150 .pdf
CONVERTED PDF FILE(S) (5 pages)	\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0054.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0055.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0056.JPG

	\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0057.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\859\191\85919183\xml8\RFR0058.JPG
SPECIMEN DESCRIPTION	Website screen shots
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Joseph S. Heino/
SIGNATORY'S NAME	Joseph S. Heino
SIGNATORY'S POSITION	Attorney of record, Wisconsin bar member
SIGNATORY'S PHONE NUMBER	414.225.1452
DATE SIGNED	08/28/2014
RESPONSE SIGNATURE	/Joseph S. Heino/
SIGNATORY'S NAME	Joseph S. Heino
SIGNATORY'S POSITION	Attorney of record, Wisconsin bar member
SIGNATORY'S PHONE NUMBER	414.225.1452
DATE SIGNED	08/28/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Aug 28 14:55:42 EDT 2014
TEAS STAMP	USPTO/RFR-64.132.66.164-2 0140828145542103930-85919 183-500bb4f9fbf32e18fd53c 58e090339ce4ff1d4217ae7ee de24c5c2ffa4375aba9-N/A-N /A-20140828143401987208

To the Commissioner for Trademarks:

Application serial no. **85919183** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Applicant respectfully requests that, because the present appeal is at its early stages, the Examining Attorney reconsider the final refusal to register issued on February 28, 2014, and move the present application to publication for the reasons previously stated by Applicant and for the additional reasons that follow, all of which are responsive to the assertion that the above-referenced mark is “merely descriptive.”

Remarks

To be “merely” descriptive, the term must be “only” descriptive, i.e., the term serves no purpose other than to describe the goods or services. *In re Quick-Print Copy Shop, Inc.*, 205 U.S.P.Q. 505 (C.C.P.A. 1980) (“merely” means “only”). In other words, when considered in conjunction with the particular goods, a mark is merely descriptive if it does nothing but describe those goods. *In re Colonial Stores, Inc.*, 157 U.S.P.Q. 382, 385 (C.C.P.A. 1968). If a proposed mark does not clearly tell the potential customer “only” what the goods are, then the mark is not merely “descriptive.” *In re Quik-Print*.

Applicant respectfully submits that the Applicant’s mark, which is a composite mark which is to be considered as a whole, is not merely descriptive. In this regard, Applicant submits that the present mark is similar to the mark “HOMEFOAMERS” in *Scientific Applications, Inc. v. Energy Conservation, Corp.*, 195 U.S.P.Q. 379 (N.D. GA. 1977), in which the court found that the composite mark HOMEFOAMERS was not descriptive for services relating to installation of foam building insulation. Similarly, in *Modular Cinemas of America v. Mini Cinemas Corp.*, 175 U.S.P.Q. 355 (S.D. N.Y. 1972) the court found that the mark “MINI CINEMA” was not merely descriptive as applied to small theaters. Again, a combination of two otherwise descriptive terms resulted in a distinctive mark.

In the present case, Applicant’s own registered composite LINK 4 LEARNING mark for “*Providing temporary use of non-downloadable web-based computer software for use by schools and educators to provide student assessment and learning solutions*” in Int’l Class 42 is a case in point. See attached EXHIBIT A-9, which is a TESS database sheet for the LINK 4 LEARNING mark. While the CURRICULUM4SCHOOLS mark may be “suggestive” of the services with which the mark is used, it is not, nor was it at the time of the prosecution of its application, merely descriptive. Applicant respectfully submits that the composite mark of the present application is likewise suggestive, but not merely descriptive.

In further support of its position of suggestiveness of the mark of the present case, Applicant supplements

the record herein by providing reference to the following marks that similarly fit into this category:

(a) The mark SURF 4 CHANGE for “*Providing temporary use of non-downloadable web-based computer software for use by schools and educators to provide student assessment and learning solutions*” in Int’l Class 9. This mark has been issued an Office Action that does not include a “merely descriptive” basis for refusal to register. See attached EXHIBIT A-10.

(b) The mark TRANSITIONS OF CARE 4 MEDICINE for “*Computer software for controlling and managing patient medical information*” in Int’l Class 9. See attached EXHIBIT A-11.

(c) The mark FOOD 4 LESS for “*Computer application software for mobile digital devices for use by grocery store shoppers*” in Int’l Class 9. The Section 2(f) claim does not relate to this class of goods. See attached EXHIBITS A-12 and A-13, the latter being the stylized version of the mark.

(d) The mark FIT GIRL 4 LIFE for “*Pre-recorded DVDs in the fields of health and fitness, nutrition, exercise, hair and skin care, and lifestyle coaching; Electronic publications, namely, books, magazines and manuals in the fields of health and fitness, nutrition, exercise, hair and skin care, and lifestyle coaching; Computer application software for mobile phones, namely, providing video workouts, nutritional information and program progress tracking*” in Int’l Class 9. This mark was published for opposition on January 14, 2014. See attached EXHIBIT A-14.

(e) The mark BREAST IMPLANTS 4 YOU for “*Collection and compilation of information into computer databases in the field of consumer information and education regarding breast augmentation*” in Int’l Class 35. See attached EXHIBIT A-15.

(e) The mark FOCUS 4 HEALTH for, *inter alia*, “*Providing a web site featuring information on health and nutrition; Providing a website featuring information about health, wellness and nutrition; Providing an on-line computer database featuring information regarding health and nutrition*” in Int’l Class 44. See attached EXHIBIT A-16.

(f) The mark TECH 4 TECHS for “*Providing an online computer data base featuring technical information about vehicle repair and maintenance; technical support services, namely, providing technical advice in the field of vehicle repair and maintenance; technical support services; namely, troubleshooting in the nature of diagnosing problems with vehicles*” in Int’l Class 37 and for “*Providing on-line chat rooms for the transmission of messages among vehicle repair and maintenance technicians and customers in the field of technical vehicle repair*” in Int’l Class 38. See attached EXHIBITS A-17 and A-18, the latter of which is the word plus design version of the mark.

(g) The mark MUSIC 4 LIFE for, *inter alia*, “*Entertainment services, namely, providing radio programs*

in the field of music medicine, stress management, healing music and music therapy via a global computer network” in Int’l Class 41. See attached EXHIBIT A-19.

(h) The mark BARGAINS 4 BUSINESS (PLUS DESIGN) for, *inter alia*, “*promoting the goods and services of others by providing a website featuring discount vouchers; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; business services, namely, providing computer databases regarding the purchase and sale of a wide variety of products and services of others*” in Int’l Class 35. See attached EXHIBIT A-20.

(i) The mark FASHION 4 HOME (STYLIZED) for, *inter alia*, “*merchandising services, including via the Internet, in relation to furniture, furnishings, storage boxes, toys, carpets, electric and non-electric household and kitchen utensils, glassware, ceramics, porcelain, metal and plastic goods for household and kitchens purposes, jars for household and kitchen purposes, cooking pot sets, and in relation to decorative articles*” in Int’l Class 35. See attached EXHIBIT A-21.

(j) The mark BIZ 4 THE REST OF US for, *inter alia*, “*Computer services for business continuity for normal operations and workflow improvements, namely, information flow*” in Int’l Class 42. See attached EXHIBIT A-22.

(k) The mark CONNECT 4 TECH SOLUTIONS (PLUS DESIGN) for “*Integration of computer systems and networks, including hubs, switches, routers and home theatre hardware and software*” in Int’l Class 42. See attached EXHIBIT A-23.

(l) The mark PARTNERS 4 PRICING for “*Computer software, namely software to manage and update inventory lists and pricing*” in Int’l Class 9. See attached EXHIBIT A-24.

(m) The mark 4 ALL MEMORY for “*Retail store services in the fields of computer hardware, computer peripherals, and electronic data storage media; retail store services rendered via a global computer network in the fields of computer hardware, computer peripherals, and electronic data storage media*” in Int’l Class 35. See attached EXHIBIT A-25.

(n) The mark MAP 4 CHANGE (PLUS DESIGN) for “*Computer services, namely, providing an interactive website that allows users to create maps through web-based mapping tools and to participate in discussion through letter-writing, blogging and discussion forum tools*” in Int’l Class 42. See attached EXHIBIT A-26.

(o) The mark TRADE 4 LIFE for, *inter alia*, “*Entertainment services, namely, a continuing reality program accessible by television, satellite, and computer networks about kitchen and bathroom construction in which participants learn beginning construction and self development then use those skills*” in Int’l Class 41. See attached EXHIBIT A-27.

(p) The mark SYNERGY 4 HEALTH (PLUS DESIGN) for, *inter alia*, “*Providing business management and project management services for furnishing medical equipment and supplies, medical and office furnishings, audio-visual software and hardware, and cabinetry, all for healthcare environments*” in Int’l Class 35. See attached EXHIBIT A-28.

(q) The mark TOP MOVING COMPANY 4 YOU for “*Providing an on-line computer database featuring consumer information in the field of moving companies*” in Int’l Class 35. See attached EXHIBIT A-29.

(r) The mark CALL 4 HEALTH for, *inter alia*, “*Management and operation of telephone call centers for others for the medical and health care industries*” in Int’l Class 35. See attached EXHIBIT A-30.

(s) The mark 4 EVERY GIRL for “*Educational services, namely, a continuing program addressing issues concerning the positive and negative portrayals of young women in the entertainment field accessible by radio, television and satellite, and computer network*” in Int’l Class 41. See attached EXHIBITS A-31 and A-32, the latter being a words plus design version of the mark.

(t) The mark WIRED 4 SOUND (PLUS DESIGN) for, *inter alia*, “*technical support services, namely, troubleshooting of computer hardware and software problems relating to audio, video, and surveillance equipment; technology consultation and research in the field of audio, video, and surveillance*” in Int’l Class 42. See attached EXHIBIT A-33.

(u) The mark HOSTING 4 LESS for “*Hosting the web sites of others on a computer server for a global computer network*” in Int’l Class 42. See attached EXHIBIT A-34.

(v) The mark HOSTING 4 LESS.COM (PLUS DESIGN) for “*Hosting the web sites of others on a computer server for a global computer network*” in Int’l Class 42. See attached EXHIBIT A-35

For at least these reasons and for reasons previously stated by Applicant in its Response dated February 6, 2014, to the Office Action dated August 7, 2013, Applicant respectfully submits that the proposed mark is not merely descriptive and the refusal under Section 2(e)(1) should be withdrawn.

Included with this Request is a substitute specimen that Applicant submits meets the requirements of a suitable specimen for this mark.

EVIDENCE

Evidence in the nature of Exhibits A-9 through A-35 consisting of TESS Database sheets has been attached.

Original PDF file:

[evi_6413266164-20140828143401987208_ . Exhibits A-9 to A-35 to Request 11910155 .pdf](#)

Converted PDF file(s) (52 pages)

[Evidence-1](#)
[Evidence-2](#)
[Evidence-3](#)
[Evidence-4](#)
[Evidence-5](#)
[Evidence-6](#)
[Evidence-7](#)
[Evidence-8](#)
[Evidence-9](#)
[Evidence-10](#)
[Evidence-11](#)
[Evidence-12](#)
[Evidence-13](#)
[Evidence-14](#)
[Evidence-15](#)
[Evidence-16](#)
[Evidence-17](#)
[Evidence-18](#)
[Evidence-19](#)
[Evidence-20](#)
[Evidence-21](#)
[Evidence-22](#)
[Evidence-23](#)
[Evidence-24](#)
[Evidence-25](#)
[Evidence-26](#)
[Evidence-27](#)
[Evidence-28](#)
[Evidence-29](#)
[Evidence-30](#)
[Evidence-31](#)
[Evidence-32](#)
[Evidence-33](#)
[Evidence-34](#)
[Evidence-35](#)
[Evidence-36](#)
[Evidence-37](#)
[Evidence-38](#)
[Evidence-39](#)
[Evidence-40](#)
[Evidence-41](#)
[Evidence-42](#)
[Evidence-43](#)
[Evidence-44](#)
[Evidence-45](#)
[Evidence-46](#)
[Evidence-47](#)

[Evidence-48](#)

[Evidence-49](#)

[Evidence-50](#)

[Evidence-51](#)

[Evidence-52](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Computer software that provides web-based access to applications and services through a web operating system or portal interface

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/2009 and first used in commerce at least as early as 00/00/2009 , and is now in use in such commerce.

Proposed: Class 009 for Computer software that provides web-based access to applications and services through a web operating system or portal interface

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/2009 and first used in commerce at least as early as 00/00/2009 , and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 009 . The specimen(s) submitted consists of Website screen shots .

" The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"*[for an application based on Section 1(a), Use in Commerce]* OR "

The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use "*[for an application based on Section 1(b) Intent-to-Use]* .

Original PDF file:

[SPU0-6413266164-20140828143401987208 . Substitute Specimen 11910150 .pdf](#)

Converted PDF file(s) (5 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or amendment to allege use (AAU) unsigned, all statements in the application or AAU and this submission based on the signatory's own knowledge are true, and all statements in the application or AAU and this submission made on information and belief are

believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AAU: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(a) or AAU under 15 U.S.C. Section 1051(c), the signatory additionally believes that: the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce and has been using the mark in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the signatory additionally believes that: the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention and has had a bona fide intention as of the application filing date to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

Signature: /Joseph S. Heino/ Date: 08/28/2014

Signatory's Name: Joseph S. Heino

Signatory's Position: Attorney of record, Wisconsin bar member

Signatory's Phone Number: 414.225.1452

Request for Reconsideration Signature

Signature: /Joseph S. Heino/ Date: 08/28/2014

Signatory's Name: Joseph S. Heino

Signatory's Position: Attorney of record, Wisconsin bar member

Signatory's Phone Number: 414.225.1452

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85919183

Internet Transmission Date: Thu Aug 28 14:55:42 EDT 2014

TEAS Stamp: USPTO/RFR-64.132.66.164-2014082814554210

3930-85919183-500bb4f9fbf32e18fd53c58e09

0339ce4ff1d4217ae7eede24c5c2ffa4375aba9-

N/A-N/A-20140828143401987208



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 120 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

LINK 4 LEARNING

Word Mark	LINK 4 LEARNING
Goods and Services	IC 042. US 100 101. G & S: Providing temporary use of non-downloadable web-based computer software for use by schools and educators to provide student assessment and learning solutions. FIRST USE: 20050901. FIRST USE IN COMMERCE: 20050901
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78654034
Filing Date	June 20, 2005
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	March 14, 2006
Registration Number	3160862
Registration Date	October 17, 2006
Owner	(REGISTRANT) Cooperative Educational Service Agency No. 6 Cooperative Educational Service Agency Authorized by Ch. 116, Wis. Stats. WISCONSIN 2300 State Road 44 Oshkosh WISCONSIN 549032568
Attorney of	

EXHIBIT A-9

Record Joseph S. Heino
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LEARNING" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE Dict	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) List At: OR [Jump](#) to record: **Record 18 out of 191**

TSDR	ASSIGN Status	TTAB Status
----------------------	-------------------------------	-----------------------------

 (Use the "Back" button of the Internet Browser to return to TESS)

Surf 4 change

Word Mark	SURF 4 CHANGE
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer application software for desktop computers, hibrid computer and any other portable devices namely, software for advertisement
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86134171
Filing Date	December 3, 2013
Current Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Livecharity Corporation CORPORATION DELAWARE #B7 19370 Collins Avenue Sunny Isles Beach FLORIDA 33160
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE Dict	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) List At: OR [Jump](#) to record: **Record 22 out of 191**

TSDR	ASSIGN Status	TTAB Status
----------------------	-------------------------------	-----------------------------

 (Use the "Back" button of the Internet Browser to return to TESS)**TRANSITIONS OF CARE 4
MEDICINE**

Word Mark	TRANSITIONS OF CARE 4 MEDICINE
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer software for controlling and managing patient medical information. FIRST USE: 20130813. FIRST USE IN COMMERCE: 20130813
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86050584
Filing Date	August 28, 2013
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 21, 2014
Registration Number	4510522
Registration Date	April 8, 2014
Owner	(REGISTRANT) HappyDocs LLC LIMITED LIABILITY COMPANY CALIFORNIA 1601 N. Sepulveda Blvd. #642 Manhattan Beach CALIFORNIA 90266
Attorney of Record	Richard J. McKenna
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

EXHIBIT A-11



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) List At: OR [Jump](#) to record: **Record 31 out of 191**[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

FOOD 4 LESS

**Word Mark
Goods and
Services**

FOOD 4 LESS

IC 009. US 021 023 026 036 038. G & S: **Computer** application software for mobile digital devices for use by grocery store shoppers. FIRST USE: 20121100. FIRST USE IN COMMERCE: 20121100

IC 035. US 100 101 102. G & S: Retail store services in the field of groceries featuring a bonus incentive program for customers. FIRST USE: 20020800. FIRST USE IN COMMERCE: 20020800

IC 036. US 100 101 102. G & S: Charitable foundation services, namely, providing financial assistance for programs and services of others. FIRST USE: 20030900. FIRST USE IN COMMERCE: 20030900

**Standard
Characters
Claimed****Mark Drawing
Code**

(4) STANDARD CHARACTER MARK

Serial Number

85962000

Filing Date

June 17, 2013

Current Basis

1A

**Original Filing
Basis**

1A

Published for

November 12, 2013

EXHIBIT A-12

Opposition**Registration
Number** 4474866**Registration Date** January 28, 2014**Owner** (REGISTRANT) The Kroger Co. of Michigan CORPORATION MICHIGAN 40399 Grand River
Avenue Novi MICHIGAN 48375**Attorney of Record** Richard L. Kirkpatrick**Prior Registrations** 1179593;1665152;3674556**Type of Mark** TRADEMARK. SERVICE MARK**Register** PRINCIPAL-2(F)**Live/Dead Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[PREV LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)[| HOME](#) [| SITE INDEX](#) [| SEARCH](#) [| eBUSINESS](#) [| HELP](#) [| PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE LIST](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#) | [PREV LIST](#) | [CURR LIST](#)
[NEXT LIST](#) | [FIRST DOC](#) | [PREV DOC](#) | [NEXT DOC](#) | [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 32 out of 191**

[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

FOOD4LESS

Word Mark
Goods and Services

FOOD 4 LESS

IC 009. US 021 023 026 036 038. G & S: Computer application software for mobile digital devices for use by grocery store shoppers. FIRST USE: 20121100. USED IN ANOTHER FORM The mark was first used anywhere in a different form other than that sought to be registered at least as early as 00/00/1973. FIRST USE IN COMMERCE: 20121100

IC 035. US 100 101 102. G & S: Retail grocery store services; retail store services in the field of groceries featuring a bonus incentive program for customers; retail gas station services. FIRST USE: 19990000. USED IN ANOTHER FORM The mark was first used anywhere in a different form other than that sought to be registered at least as early as 00/00/1973. FIRST USE IN COMMERCE: 19990000

IC 036. US 100 101 102. G & S: Charitable foundation services, namely, providing financial assistance for programs and services of others. FIRST USE: 20030900. USED IN ANOTHER FORM The mark was first used anywhere in a different form other than that sought to be registered at least as early as 00/00/1973. FIRST USE IN COMMERCE: 20030900

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number

85961978

Filing Date

June 17, 2013

Current Basis

1A

Original Filing Basis

1A

Published for

EXHIBIT A-13

Opposition November 12, 2013
Registration Number 4474865
Registration Date January 28, 2014
Owner (REGISTRANT) The Kroger Co. of Michigan CORPORATION MICHIGAN 40399 Grand River Avenue Novi MICHIGAN 48375
Attorney of Record Richard L. Kirkpatrick
Prior Registrations 1179593;1665152;3674556
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the word "FOOD" to the left of a central numeral four "4" and the word "LESS" to the right of the central numeral four "4".
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL-2(F)
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICTIONARY	SEARCH LOG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 33 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Fit Girl 4 Life

Word Mark FIT GIRL 4 LIFE
Goods and Services IC 009. US 021 023 026 036 038. G & S: Pre-recorded DVDs in the fields of health and fitness, nutrition, exercise, hair and skin care, and lifestyle coaching; Electronic publications, namely, books, magazines and manuals in the fields of health and fitness, nutrition, exercise, hair and skin care, and lifestyle coaching; **Computer** application software for mobile phones, namely, providing video workouts, nutritional information and program progress tracking

Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85867702
Filing Date March 5, 2013
Current Basis 1B
Original Filing Basis 1B
Published for Opposition January 14, 2014
Owner (APPLICANT) Goggin, Sherry INDIVIDUAL UNITED STATES 1520 N. Gilbert St Fullerton CALIFORNIA 92833
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead

EXHIBIT A-14

Indicator LIVE

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[TOP](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)

[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

[HOME](#) |
 [SITE INDEX](#) |
 [SEARCH](#) |
 [BUSINESS](#) |
 [HELP](#) |
 [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 42 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Breast Implants 4 You

Word Mark	BREAST IMPLANTS 4 YOU
Goods and Services	IC 035. US 100 101 102. G & S: Collection and compilation of information into computer databases in the field of consumer information and education regarding breast augmentation. FIRST USE: 20010201. FIRST USE IN COMMERCE: 20100422
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85673908
Filing Date	July 11, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 1, 2013
Registration Number	4304741
Registration Date	March 19, 2013
Owner	(REGISTRANT) Ceatus Media Group, LLC LIMITED LIABILITY COMPANY CALIFORNIA 4141 Jutland Drive, Suite 215 San Diego CALIFORNIA 92117
Attorney of Record	Elizabeth Donovan

EXHIBIT A-15

<http://tmsearch.uspto.gov/bin/gate.exe?f=doc&state=4804:5ohd92.3.42>

8/27/2014

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BREAST IMPLANTS" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[| HOME |](#) [SITE INDEX|](#) [SEARCH |](#) [eBUSINESS |](#) [HELP |](#) [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#) | [PREV LIST](#) | [CURR LIST](#)
[NEXT LIST](#) | [FIRST DOC](#) | [PREV DOC](#) | [NEXT DOC](#) | [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 73 out of 191**

[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Focus 4 Health

Word Mark FOCUS 4 HEALTH

Goods and Services IC 044. US 100 101. G & S: Consulting services in the field of mental health and wellness; Consulting services in the fields of health and nutrition; Consulting services to health care providers in the field of treating life-changing or life-threatening diseases; Health care services, namely, wellness programs; Providing a web site featuring information on health and nutrition; Providing a website featuring information about health, wellness and nutrition; Providing an on-line **computer** database featuring information regarding health and nutrition; Providing assistance, fitness evaluation and consultation to corporate clients to help their employees make health, wellness and nutritional changes in their daily living to improve health; Providing assistance, fitness evaluation and consultation to individuals to help them make health, wellness and nutritional changes in their daily living to improve health; Providing health information; Providing information, news and commentary in the field of nutrition, health and wellness; Wellness and health-related consulting services. FIRST USE: 20110628. FIRST USE IN COMMERCE: 20110628

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85187952

Filing Date December 1, 2010

Current Basis 1A

EXHIBIT A-16

Original Filing Basis 1B
Published for Opposition May 3, 2011
Registration Number 4112765
Registration Date March 13, 2012
Owner (REGISTRANT) Doucette, Michele M INDIVIDUAL UNITED STATES 17466 W. 58th Pl. Golden COLORADO 80403
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HEALTH" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DIET	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) List At: OR [Jump](#) to record: **Record 74 out of 191**

TSDR	ASSIGN Status	TTAB Status
----------------------	-------------------------------	-----------------------------

 (Use the "Back" button of the Internet Browser to return to TESS)

TECH 4 TECHS

**Word Mark
Goods and
Services**

TECH 4 TECHS

IC 037. US 100 103 106. G & S: Providing an online **computer** data base featuring technical information about vehicle repair and maintenance; technical support services, namely, providing technical advice in the field of vehicle repair and maintenance; technical support services; namely, troubleshooting in the nature of diagnosing problems with vehicles. FIRST USE: 20110429. FIRST USE IN COMMERCE: 20110429

IC 038. US 100 101 104. G & S: Providing on-line chat rooms for the transmission of messages among vehicle repair and maintenance technicians and customers in the field of technical vehicle repair. FIRST USE: 20110429. FIRST USE IN COMMERCE: 20110429

**Standard
Characters
Claimed****Mark Drawing
Code**

(4) STANDARD CHARACTER MARK

Serial Number

85182298

Filing Date

November 22, 2010

Current Basis

1A

**Original Filing
Basis**

1B

**Published for
Opposition**

May 24, 2011

Registration

4126378

EXHIBIT A-17

Number
Registration Date April 10, 2012
Owner (REGISTRANT) SPX Corporation CORPORATION DELAWARE 13515 Ballantyne Corporate Place
Charlotte NORTH CAROLINA 28277
Attorney of Record John H. Weber
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TECH" APART FROM THE MARK AS
SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[| HOME |](#) [SITE INDEX|](#) [SEARCH |](#) [eBUSINESS |](#) [HELP |](#) [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

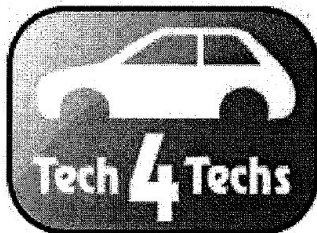
TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Data](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 75 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark TECH 4 TECHS

Goods and Services IC 037. US 100 103 106. G & S: Providing an online **computer** data base featuring information about vehicle repair and maintenance; technical support services, namely, providing technical advice in the field of vehicle repair and maintenance; technical support services, namely, troubleshooting in the nature of diagnosing problems with vehicles. FIRST USE: 20110429. FIRST USE IN COMMERCE: 20110429

IC 038. US 100 101 104. G & S: Providing on-line chat rooms for the transmission of messages among vehicle repair and maintenance technicians and customers in the field of technical vehicle repair. FIRST USE: 20110429. FIRST USE IN COMMERCE: 20110429

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 18.05.01 - Cabs, taxi; Cars (not emergency); Hearses; Limousines; Race cars; Taxicabs
 26.11.21 - Rectangles that are completely or partially shaded
 26.11.25 - Rectangles with one or more curved sides

Serial Number 85182251

Filing Date November 22, 2010

Current Basis 1A

Original Filing Basis 1B

Published for Opposition May 24, 2011

Registration 4126377

EXHIBIT A-18

Number
Registration Date April 10, 2012
Owner (REGISTRANT) SPX Corporation CORPORATION DELAWARE 13515 Ballantyne Corporate Place
Charlotte NORTH CAROLINA 28277
Attorney of Record John H. Weber
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TECH" APART FROM THE MARK AS SHOWN
Description of Mark The color(s) blue and white is/are claimed as a feature of the mark. The mark consists of a dark blue rectangular outline with a light blue and blue interior, and a white car above the white words "TECH 4 TECHS".
Type of Mark SERVICE MARK
Register PRINCIPAL
Other Data The name John Zak identifies a living individual whose consent is of record.
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 77 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

MUSIC 4 LIFE

Word Mark MUSIC 4 LIFE

Goods and Services IC 041. US 100 101 107. G & S: Audio recording and production; Digital video, audio, and multimedia publishing services; Education services, namely, providing training, coaching and mentoring in the fields of music medicine, stress management, healing music and music therapy; Educational research; Educational services, namely, conducting on line and telephonic instruction and courses in the field of music medicine, stress management, healing music and music therapy; Educational services, namely, conducting concerts, seminars, workshops in the fields of music medicine, stress management, healing music and music therapy and distribution of training materials in connection therewith; Educational services, namely, providing continuing professional education courses in the field of music medicine, stress management, healing music and music therapy; Entertainment services, namely, providing radio programs in the field of music medicine, stress management, healing music and music therapy via a global **computer** network; Publishing of books, e-books, audio books, music and illustrations. FIRST USE: 20020124. USED IN ANOTHER FORM The mark was first used anywhere in a different form other than that sought to be registered at least as early as 12/14/2001. FIRST USE IN COMMERCE: 20040713

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85131593

Filing Date September 16, 2010
Current

EXHIBIT A-19

Basis 1A
Original Filing Basis 1A
Published for Opposition March 22, 2011
Registration Number 3973444
Registration Date June 7, 2011
Owner (REGISTRANT) SeminarConcerts International Inc. DBA Music 4 Life CORPORATION NEVADA
Building L, Suite 179 6375 West Charleston Blvd #200 Las Vegas NEVADA 89146
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MUSIC" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 95 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	BARGAINS 4 BUSINESS
Goods and Services	IC 035. US 100 101 102. G & S: Advertising and marketing; sales promotion services; promoting the goods and services of others by providing a website featuring discount vouchers; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; business services, namely, providing computer databases regarding the purchase and sale of a wide variety of products and services of others
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	16.03.06 - Glasses, magnifying; Jeweler's loupes (magnifiers); Loupes, jeweler's (magnifiers); Magnifying glasses 20.03.06 - Address labels; Hang tags; Identification tags; Labels; Tags (paper) 24.17.15 - Check marks 26.01.21 - Circles that are totally or partially shaded.
Serial Number	79110306
Filing Date	October 18, 2011
Current Basis	66A
Original Filing Basis	66A
Published for Opposition	July 24, 2012
Registration Number	4220079

EXHIBIT A-20

**International
Registration
Number** 1109698
**Registration
Date** October 9, 2012
Owner (REGISTRANT) Film Cartel Pty Ltd (ACN 124542294) COMPANY AUSTRALIA PO Box 618
BALMAIN NSW 2041 AUSTRALIA
Priority Date April 18, 2011
**Description of
Mark** Color is not claimed as a feature of the mark. The mark consists of a tag with a magnifying glass
and a check mark inside of the magnifying glass; to the right of the design elements appears the
wording "BARGAINS", the numeral "4" inside of a shaded circle and the term "BUSINESS".
Type of Mark SERVICE MARK
Register PRINCIPAL
**Live/Dead
Indicator** LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICTIONARY	SEARCH LOG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [@BUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) List At: OR [Jump](#) to record: **Record 97 out of 191**

TSDR	ASSIGN Status	TTAB Status
----------------------	-------------------------------	-----------------------------

 (Use the "Back" button of the Internet Browser to return to TESS)

fashion 4 home

Word Mark FASHION 4 HOME**Goods and Services** IC 035. US 100 101 102. G & S: Arranging commercial transactions, for others, including within the framework of e-commerce, in particular contracts, for others, for the buying and selling of goods, and of mobile telephone contracts (for others); merchandising services, including via the Internet, in relation to furniture, furnishings, storage boxes, toys, carpets, electric and non-electric household and kitchen utensils, glassware, ceramics, porcelain, metal and plastic goods for household and kitchens purposes, jars for household and kitchen purposes, cooking pot sets, and in relation to decorative articles and decorative material, namely, ornaments, seasonal, festive, party and themed ornaments for objects, cosmetics, cleaning preparations, polishing and abrasive preparations, substances for laundry use, household consumables, fuels, illuminants and motor fuel, **computer**, electric and electronic goods, apparatus for lighting, heating, cooking, refrigerating, drying and ventilating, office requisites; presentation of goods on communications media for retail purposes, except clothing, footwear, headgear and textiles**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM**Serial Number** 79087712**Filing Date** August 23, 2010**Current Basis** 66A**Original Filing Basis** 66A**Published for Opposition** September 27, 2011**Registration Number** 4069128**EXHIBIT A-21**

**International
Registration
Number** 1052131
**Registration
Date** December 13, 2011
Owner (REGISTRANT) Fashion4home GmbH Gesellschaft mit beschränkter Haftung (GmbH) FED REP
GERMANY Torstr. 49 10119 Berlin FED REP GERMANY
**Attorney of
Record** Roberto Ledesma
Priority Date June 10, 2010
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOME" APART FROM THE MARK AS
SHOWN
**Description of
Mark** The color(s) black, red is/are claimed as a feature of the mark. The mark consists of the wording
"FASHION 4 HOME" with the wording "FASHION" and "HOME" appearing in black and the number 4
appearing in red.
Type of Mark SERVICE MARK
Register PRINCIPAL
**Live/Dead
Indicator** LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICY](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [BUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) List At: OR [Jump](#) to record: **Record 118 out of 191**[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)**BIZ 4 THE REST OF US****Word Mark
Goods and
Services**

BIZ 4 THE REST OF US

IC 035. US 100 101 102. G & S: Providing services for business continuity for normal operations namely planning, workflow improvements consulting, bookkeeping and record keeping. FIRST USE: 20041107. FIRST USE IN COMMERCE: 20060227

IC 042. US 100 101. G & S: **Computer** services for business continuity for normal operations and workflow improvements, namely, information flow [, data backup and recovery]. FIRST USE: 20041107. FIRST USE IN COMMERCE: 20060619(CANCELLED) IC 045. US 100 101. G & S: [**Computer** security monitoring]. FIRST USE: 20041107. FIRST USE IN COMMERCE: 20060621**Standard
Characters
Claimed****Mark Drawing
Code**

(4) STANDARD CHARACTER MARK

Serial Number

78679232

Filing Date

July 27, 2005

Current Basis

1A

**Original Filing
Basis**

1B

**Published for
Opposition**

February 27, 2007

EXHIBIT A-22

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number 3241386
Registration Date May 15, 2007
Owner (REGISTRANT) McNeal Enterprises, LLC LIMITED LIABILITY COMPANY CONNECTICUT 929 White Plains Road, #381 Trumbull CONNECTICUT 06611
Attorney of Record Keith R. Obert
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. PARTIAL SECT 8 (6-YR).
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[| HOME](#) [| SITE INDEX](#) [| SEARCH](#) [| eBUSINESS](#) [| HELP](#) [| PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 130 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	CONNECT 4 TECH SOLUTIONS
Goods and Services	IC 042. US 100 101. G & S: Integration of computer systems and networks, including hubs, switches, routers and home theatre hardware and software. FIRST USE: 20040201. FIRST USE IN COMMERCE: 20040312
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	24.15.02 - Arrows forming any other geometric figure 26.01.21 - Circles that are totally or partially shaded. 26.01.30 - Circles, exactly four circles; Four circles 26.03.03 - Incomplete ovals; Ovals, incomplete 26.03.09 - Geometric figures, objects, humans, plants or animals forming the perimeter of an oval or bordering the perimeter of an oval; Ovals having animals as a border; Ovals having geometric figures as a border; Ovals having humans as a border; Ovals having objects as a border; Ovals having plants as a border
Serial Number	78382956
Filing Date	March 12, 2004
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	September 6, 2005
Registration Number	3019843

EXHIBIT A-23

Registration Date November 29, 2005
Owner (REGISTRANT) Connect 4 Tech Solutions, LLC CORPORATION ILLINOIS 1062 Sharon Lee Ave. Fort Mill SOUTH CAROLINA 29708
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Tech Solutions" APART FROM THE MARK AS SHOWN
Description of Mark The color(s) black and blue is/are claimed as a feature of the mark. The mark consists of The mark consists of a 3/4 circle with arrow heads on each end in black, four dots in blue, the name Connect 4 Tech Solutions with the 4 in blue (same blue as the four dots) and the words Connect, Tech, and Solutions in black.
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR).
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) List At: OR [Jump](#) to record: **Record 131 out of 191**[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Partners 4 Pricing

Word Mark PARTNERS 4 PRICING
Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer software, namely software to manage and update inventory lists and pricing. FIRST USE: 20041015. FIRST USE IN COMMERCE: 20041015

Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78381645
Filing Date March 10, 2004
Current Basis 1A
Original Filing Basis 1A
Published for Opposition January 4, 2005
Registration Number 2936307
Registration Date March 29, 2005
Owner (REGISTRANT) FloorBiz Systems, LLC LIMITED LIABILITY COMPANY MAINE P.O. Box 3134 Portland MAINE 04104
Attorney of Record David P. Crocker
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PRICING" APART FROM THE MARK AS SHOWN

EXHIBIT A-24

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 136 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark 4 ALL MEMORY
Goods and Services IC 035. US 100 101 102. G & S: Retail store services in the fields of computer hardware, computer peripherals, and electronic data storage media; retail store services rendered via a global computer network in the fields of computer hardware, computer peripherals, and electronic data storage media. FIRST USE: 20000101. FIRST USE IN COMMERCE: 20000101
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78253116
Filing Date May 22, 2003
Current Basis 1A
Original Filing Basis 1A
Published for Opposition March 30, 2004
Registration Number 2856002
Registration Date June 22, 2004
Owner (REGISTRANT) Way Technology L.L.C. CORPORATION MISSOURI 655 Leffingwell Ave Kirkwood MISSOURI 63122
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR).
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)

EXHIBIT A-25



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

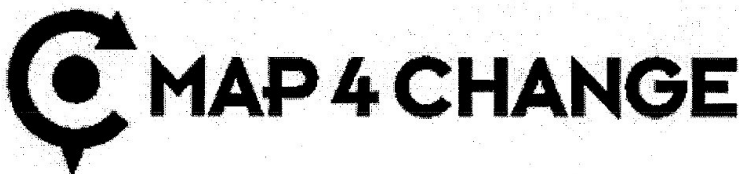
TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: _____ OR [Jump](#) to record: _____ **Record 146 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	MAP 4 CHANGE
Goods and Services	IC 042. US 100 101. G & S: Computer services, namely, providing an interactive website that allows users to create maps through web-based mapping tools and to participate in discussion through letter-writing, blogging and discussion forum tools. FIRST USE: 20081120. FIRST USE IN COMMERCE: 20081120
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	24.15.01 - Arrows forming a circle or an arc of a circle 26.01.03 - Circles, incomplete (more than semi-circles); Incomplete circles (more than semi-circles) 26.01.09 - Circles having animals as a border; Circles having geometric figures as a border; Circles having humans as a border; Circles having objects as a border; Circles having plants as a border; Geometric figures, objects, humans, plants or animals forming or bordering the perimeter of a circle. 26.01.21 - Circles that are totally or partially shaded. 26.05.21 - Triangles that are completely or partially shaded
Trademark Search Facility Classification Code	ART-24.15 Arrows NUM-4 The number 4 or the word Four SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons SHAPES-MISC Miscellaneous shaped designs SHAPES-TRIANGLES Triangular shaped designs and marks including incomplete triangles
Serial Number	77749106
Filing Date	June 1, 2009

EXHIBIT A-26
<http://tmsearch.uspto.gov/bin/gate.exe?f=doc&state=4804:5ohd92.3.146>

8/27/2014

Current Basis 1A
Original Filing Basis 1A
Published for Opposition April 13, 2010
Registration Number 3809390
Registration Date June 29, 2010
Owner (REGISTRANT) Tides Center/The Opportunity Agenda CORPORATION CALIFORNIA P.O. Box 29907 San Francisco CALIFORNIA 941290709
Attorney of Record Scott M. Kareff
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MAP" APART FROM THE MARK AS SHOWN
Description of Mark Color is not claimed as a feature of the mark. The mark consists of a dot with an arrow wrapping around its perimeter in a clockwise direction, followed by the words "MAP4CHANGE".
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE Dict](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 147 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Trade 4 Life

Word Mark	TRADE 4 LIFE
Goods and Services	IC 041. US 100 101 107. G & S: Entertainment services, namely, a continuing reality program accessible by television, satellite, and computer networks about kitchen and bathroom construction in which participants learn beginning construction and self development then use those skills for a selected deserving family or organization; Education services, namely, providing classes, seminars, and workshops in the field of tiling and marble installation. FIRST USE: 20090425. FIRST USE IN COMMERCE: 20090425
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	NUM-4 The number 4 or the word Four
Serial Number	77715358
Filing Date	April 16, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 25, 2009

EXHIBIT A-27

Registration Number 3769124
Registration Date March 30, 2010
Owner (REGISTRANT) Hughes, James INDIVIDUAL UNITED STATES 4622 Eden Ridge Dr. Acworth
GEORGIA 30101
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TRADE" APART FROM THE MARK
AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[| HOME |](#) [SITE INDEX |](#) [SEARCH |](#) [eBUSINESS |](#) [HELP |](#) [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 151 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

synergy4health

Word Mark	SYNERGY 4 HEALTH
Goods and Services	<p>IC 035. US 100 101 102. G & S: Providing business management and project management services for furnishing medical equipment and supplies, medical and office furnishings, audio-visual software and hardware, and cabinetry, all for healthcare environments. FIRST USE: 20080710. FIRST USE IN COMMERCE: 20080924</p> <p>IC 037. US 100 103 106. G & S: Installation and removal of medical equipment; Installation of audio-visual computer hardware, and cabinetry and architectural products for healthcare environments. FIRST USE: 20080710. FIRST USE IN COMMERCE: 20080924</p> <p>IC 039. US 100 105. G & S: Moving of medical and office furnishings and medical equipment and supplies. FIRST USE: 20080710. FIRST USE IN COMMERCE: 20080924</p> <p>IC 042. US 100 101. G & S: Installation of audio-visual computer software; Space planning services for medical equipment and furnishings within new and existing healthcare buildings. FIRST USE: 20080710. FIRST USE IN COMMERCE: 20080924</p>
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.03.01 - Ovals as carriers and single line borders
Trademark Search Facility Classification Code	<p>NUM-4 The number 4 or the word Four</p> <p>SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors</p> <p>SHAPES-MISC Miscellaneous shaped designs</p> <p>SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals</p>
Serial Number	77632104
Filing Date	December 12, 2008
Current Basis	1A
Original Filing	

EXHIBIT A-28

Basis 1B
Published for Opposition June 23, 2009
Registration Number 3788238
Registration Date May 11, 2010
Owner (REGISTRANT) One Workplace L. Ferrari, LLC LIMITED LIABILITY COMPANY CALIFORNIA
1057 Montague Expressway Milpitas CALIFORNIA 95035
Attorney of Record Thomas Schneck
Description of Mark The color(s) brown, silver and white is/are claimed as a feature of the mark. The mark consists of the word "SYNERGY" in brown, followed by a silver oval within which is the numeral "4" in white, followed by the word "HEALTH" in brown.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [BUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 154 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Top Moving Company 4 You

Word Mark	TOP MOVING COMPANY 4 YOU
Goods and Services	IC 035. US 100 101 102. G & S: Providing an on-line computer database featuring consumer information in the field of moving companies. FIRST USE: 20040430. FIRST USE IN COMMERCE: 20040430
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	NUM-4 The number 4 or the word Four
Serial Number	77596463
Filing Date	October 20, 2008
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 6, 2009
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration	3727288

EXHIBIT A-29

Number**Registration
Date**

December 22, 2009

Owner(REGISTRANT) M SECURE NET CORP. CORPORATION CALIFORNIA 205 Van Nuys
CALIFORNIA 91401**Attorney of
Record**

Jeff Cohen

DisclaimerNO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TOP MOVING COMPANY" APART
FROM THE MARK AS SHOWN**Type of Mark**

SERVICE MARK

Register

PRINCIPAL

**Live/Dead
Indicator**

LIVE

[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[PREV LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)[| HOME |](#) [SITE INDEX |](#) [SEARCH |](#) [eBUSINESS |](#) [HELP |](#) [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: _____ OR [Jump](#) to record: _____ **Record 161 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark
Goods and
Services

CALL 4 HEALTH

IC 035. US 100 101 102. G & S: MANAGEMENT AND OPERATION OF TELEPHONE CALL CENTERS FOR OTHERS FOR THE MEDICAL AND HEALTH CARE INDUSTRIES, NAMELY, GENERAL HOME HEALTH CARE, HOSPICE, MEDICAL EQUIPMENT COMPANIES, PHARMACIES, PHYSICAL THERAPISTS, NURSING REGISTRIES, HOSPITALS, PHYSICIANS, HEALTH, AND BEAUTY AND SELF-HELP CENTERS; ORDER-TAKING SERVICES FOR OTHERS VIA TELEPHONE CALL CENTERS; APPOINTMENT SCHEDULING VIA TELEPHONE CALL CENTERS; OUTSOURCING IN THE FIELD OF MEDICINE AND HEALTH CARE VIA TELEPHONE CALL CENTERS; RECORDS MANAGEMENT SERVICES FOR OTHERS, NAMELY, DOCUMENT INDEXING OF ELECTRONIC HEALTH RECORDS, ELECTRONIC PROCESSING OF ORDERS, AND ELECTRONIC PROCESSING OF HEALTH CARE INFORMATION; BUSINESS DEVELOPMENT SERVICES, NAMELY, DEVELOPING BUSINESS COLLABORATIVE MODELS TO EXPAND ACCESS, QUALITY, SAFETY AND EFFECTIVENESS TO PATIENTS' CALL REQUIREMENTS. FIRST USE: 20050615. FIRST USE IN COMMERCE: 20050615

IC 042. US 100 101. G & S: MAINTENANCE OF COMPUTER SOFTWARE USED FOR CLINICAL DECISION SUPPORT; DEVELOPMENT OF SOFTWARE FOR THE MANAGED CARE PROCESS FROM HEALTHY FITNESS TO DISEASE MANAGEMENT. FIRST USE: 20050615. FIRST USE IN COMMERCE: 20050615

Mark Drawing
Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search
Code

02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards
10.07.25 - Bed pans; Blood pressure apparatus; Braces (neck, back, teeth, leg, etc.); Caps, surgical; Clamps, medical; Eye droppers; Face Masks, surgical; Gloves, surgical; Hearing aids; Heating pads; Hot water bottles; Inhalers (medical); Intravenous devices; Masks, surgical; Mirrors, dental; Pans, bed; Scrubs (surgical); Surgical caps; Surgical gowns; X-ray apparatus

Trademark
Search Facility
Classification
Code

ART-10.07 Medical devices and apparatus
NUM-4 The number 4 or the word Four
SHAPES-BAR-BANDS Designs with bar, bands or lines
SHAPES-COLORS-2 Design listing or lined for two colors
SHAPES-HEARTS Heart shaped design

EXHIBIT A-30

SHAPES-MISC Miscellaneous shaped designs

Serial Number 77006165
Filing Date September 24, 2006
Current Basis 1A
Original Filing Basis 1A
Published for Opposition November 13, 2007
Registration Number 3374785
Registration Date January 29, 2008
Owner (REGISTRANT) NJ Properties, Inc. CORPORATION NEW JERSEY #D105 4720 NW 2nd Ave.
Boca Raton FLORIDA 33431
Attorney of Record Julianne B. Bochinski
Description of Mark The color(s) blue and red is/are claimed as a feature of the mark. The mark consists of the words CALL 4 HEALTH in blue and the design of stethoscope in the shape of a heart in red.
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR).
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [BUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE LIST](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) List At: OR [Jump](#) to record: **Record 177 out of 191**[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

4 EVERY GIRL

Word Mark	4 EVERY GIRL
Goods and Services	IC 041. US 100 101 107. G & S: Educational services, namely, a continuing program addressing issues concerning the positive and negative portrayals of young women in the entertainment field accessible by radio, television and satellite, and computer network. FIRST USE: 20120211. FIRST USE IN COMMERCE: 20121011
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	76712674
Filing Date	October 22, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 2, 2013
Registration Number	4351946
Registration Date	June 18, 2013
Owner	(REGISTRANT) PARENTS TELEVISION COUNCIL, INC. CORPORATION DELAWARE 707 WILSHIRE BOULEVARD, SUITE 2075 LOS ANGELES CALIFORNIA 90017

EXHIBIT A-31

**Attorney of
Record** CHRISTOPHER T. CRAIG
Type of Mark SERVICE MARK
Register PRINCIPAL
**Live/Dead
Indicator** LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[| HOME |](#) [SITE INDEX |](#) [SEARCH |](#) [BUSINESS |](#) [HELP |](#) [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 176 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

4 EVERY *Girl*

Word Mark	4 EVERY GIRL
Goods and Services	IC 041. US 100 101 107. G & S: Educational services, namely, a continuing program addressing issues concerning the positive and negative portrayals of young women in the entertainment field accessible by radio, television and satellite, and computer network. FIRST USE: 20120211. FIRST USE IN COMMERCE: 20121011
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	02.05.02 - Children depicted in silhouettes or profiles of children; Silhouettes of children 02.05.04 - Children, girl(s); Girls
Serial Number	76712675
Filing Date	October 22, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 23, 2013
Registration Number	4362630
Registration Date	July 9, 2013
Owner	(REGISTRANT) PARENTS TELEVISION COUNCIL, INC. CORPORATION DELAWARE 707 WILSHIRE BOULEVARD, SUITE 2075 LOS ANGELES CALIFORNIA 90017
Attorney of	

EXHIBIT A-32

Record CHRISTOPHER T. CRAIG
Description of Mark The color(s) blue and pink is/are claimed as a feature of the mark. The color blue appears in the wording "4 EVERY" and the color pink appears in the word "GIRL".
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE LIST	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[| HOME |](#) [SITE INDEX|](#) [SEARCH |](#) [eBUSINESS |](#) [HELP |](#) [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 179 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark
Goods and Services

WIRED 4 SOUND

IC 035. US 100 101 102. G & S: Distributorship services in the field of audio and video equipment, musical instruments and related equipment, and professional sound equipment. FIRST USE: 19870301. FIRST USE IN COMMERCE: 19870301

IC 037. US 100 103 106. G & S: Installation, maintenance, and repair of **computer** systems and equipment for audio, video, security, surveillance, telecommunications, teleconferencing, multimedia applications, and interactive multi-location video conferencing; installation and maintenance of surveillance equipment and communications equipment; installation and maintenance of video conferencing, teleconferencing, video and interactive response hardware systems for distance learning; and installation and maintenance of audio, video, security, surveillance, telecommunication, teleconferencing, and videoconferencing facilities. FIRST USE: 19870301. FIRST USE IN COMMERCE: 19870301

IC 042. US 100 101. G & S: Consultation services in the fields of selection, implementation, and use of **computer** hardware and software systems for others; custom design and engineering of telephony systems, cable television systems and fiber optics; customization of **computer** hardware and software; design and development of multimedia products; diagnostic services in the field of audio, video, and surveillance equipment; installation of **computer** software for audio, video, and surveillance equipment; integration of **computer** systems and networks; programming of multimedia applications; programming of multimedia equipment; technical support services, namely, troubleshooting of **computer** hardware and software problems relating to audio, video, and surveillance equipment; technology consultation and research in the field of audio, video, and surveillance. FIRST USE: 19870301. FIRST USE IN COMMERCE: 19870301

Mark Drawing (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

EXHIBIT A-33

Code

Design Search Code 14.01.03 - Cables, electrical, With electric plugs; Cords, electrical (with plugs); Electrical wire/cables, With plug; Plugs, electrical
 26.01.03 - Circles, incomplete (more than semi-circles); Incomplete circles (more than semi-circles)
 26.17.07 - Heat, lines depicting; Lines depicting speed, propulsion, heat or wind; Propulsion, lines depicting; Speed, lines depicting; Wind, lines depicting
 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

Trademark Search Facility Classification Code ART-14.01 Tubes; cables; heavy hardware articles
 NUM-4 The number 4 or the word Four
 SHAPES-BAR-BANDS Designs with bar, bands or lines
 SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles
 SHAPES-MISC Miscellaneous shaped designs

Serial Number 76647277

Filing Date September 21, 2005

Current Basis 1A

Original Filing Basis 1A

Published for Opposition February 12, 2008

Registration Number 3416502

Registration Date April 29, 2008

Owner (REGISTRANT) WIRED 4. SOUND, INC. CORPORATION NEW JERSEY P.O. BOX 683 CLIFTON NEW JERSEY 07012

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record M. Bruce Harper

Prior Registrations 1751702

Description of Mark Color is not claimed as a feature of the mark. The stippling is for shading purposes.

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE LIST	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 186 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

HOSTING 4 LESS

Word Mark	HOSTING 4 LESS
Goods and Services	IC 042. US 100 101. G & S: HOSTING THE WEB SITES OF OTHERS ON A COMPUTER SERVER FOR A GLOBAL COMPUTER NETWORK. FIRST USE: 19971201. FIRST USE IN COMMERCE: 19971201
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76033540
Filing Date	April 25, 2000
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 17, 2001
Registration Number	2465526
Registration Date	July 3, 2001
Owner	(REGISTRANT) HOLTZMAN, ERIC I. INDIVIDUAL UNITED STATES 9586 TOPANGA CANYON BLVD. CHATSWORTH CALIFORNIA 91311
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOSTING" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL

EXHIBIT A-34

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110215.
Renewal 1ST RENEWAL 20110215
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Aug 27 03:21:02 EDT 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 184 out of 191**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	HOSTING 4 LESS.COM
Goods and Services	IC 042. US 100 101. G & S: HOSTING THE WEB SITES OF OTHERS ON A COMPUTER SERVER FOR A GLOBAL COMPUTER NETWORK. FIRST USE: 19990715. FIRST USE IN COMMERCE: 19990715
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.21 - Circles that are totally or partially shaded.
Serial Number	76052266
Filing Date	May 19, 2000
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 15, 2002
Registration Number	2687821
Registration Date	February 18, 2003
Owner	(REGISTRANT) HOLTZMAN, ERIC I. INDIVIDUAL UNITED STATES 9586 TOPANGA CANYON BLVD. CHATSWORTH CALIFORNIA 91311
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOSTING" APART FROM THE MARK AS SHOWN

EXHIBIT A-35

Description of Mark Color is not claimed as a feature of the mark. The horizontal and vertical lines represent the color red, the solid black represent the color navy, and the remainder of the text is white. The colors are claimed as a feature of the mark.

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20130122.

Renewal 1ST RENEWAL 20130122

Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[| HOME](#) [| SITE INDEX](#) [| SEARCH](#) [| BUSINESS](#) [| HELP](#) [| PRIVACY POLICY](#)



Curriculum4Schools is a web-based curriculum mapping and unit planning application centered on the needs of 21st century teachers. This application is easy to use and connects teachers with other districts throughout the Midwest.

So, why should your district use Curriculum4Schools? Here are 4 great reasons:

1. It was developed by a teacher who understands that teachers want to get to their information quickly – it is a one-click system for adds and changes. The template is customizable and easy to work with and set up.
2. The cost is unbeatable – similar commercial programs cost much more per year. Curriculum4Schools costs less per student than other leading programs. The program can be purchased using Title funds.
3. You can view other schools' maps – learn from the content, skills, assessments, essential questions, and resources other schools in the network have identified. Start sharing and stop reinventing the wheel! You simply need to click a box and open up your map in order to view the maps of other network schools.
4. A new optional tool called LessonPlanner4Schools allows teachers to easily map their plans by using a web-based weekly lesson planner. This really simplifies and decreases the time involved in getting your curriculum articulated.



To learn more about our website content management system, go to www.cms4schools.com.

Curriculum4Schools

PO Box 2568
2300 State Road 44
Oshkosh, WI 54903
Phone: 920-236-0880
Fax: 920-424-3478
info@4schools.net





About Curriculum4Schools



Curriculum4Schools is your best curriculum mapping choice!

Curriculum4Schools was developed by Cooperative Educational Service Agency 6 (CESA 6) in Oshkosh, Wisconsin. [CESA 6](#) provides an interactive network of high quality products and services to promote cost-effective educational solutions across school districts, all for the benefit of school children.

Our mission is to provide quality and equitable products and services to our community of learners through innovative, collaborative, communication, partnership and service. The vision of CESA 6 is to foster excellence by providing leadership and resources for best practice.

Curriculum4Schools offers *curriculum support* that others cannot!

Many software providers are able to support their product; however, CESA 6 is able to also provide professional curriculum consulting services. Providing curriculum and instruction services is at the core of what CESAs do. We realize that not all districts need the same level of support, so we make our offerings optional. However, whatever curriculum needs you have, we have the curriculum expertise to meet those needs.

While CESA 6 is located in Wisconsin, we can meet the needs of districts in any state in the United States.

Michigan districts can benefit from working directly with one of our trusted partners, Dan Beerens. Dan is the owner of [DB Consulting](#) which is centrally located in Michigan.

Curriculum4Schools
PO Box 2568
2300 State Road 44
Oshkosh, WI 54903
Phone: 920-236-0880
Fax: 920-424-3478
info@4schools.net





Pricing

District Enrollment	Setup Fee	Annual Service Fee
0 - 500	\$1,000	\$1,500
501 - 900	\$1,000	\$2,400
901 - 1800	\$1,000	\$3,000
1801 - 4000	\$1,000	\$4,000
4000 - 10,000	\$1,000	\$6,000
10,001 +	Contact us for a quote.	

No contracts

No software to buy or install

No add-on fees for each administrator / teacher

The setup fee includes:

- Setting up a Curriculum4Schools account.
- Provide project management services during the setup process using a project checklist as a guide.
- Provide a curriculum consultation session to make sure your school is on the right path as it relates to curriculum mapping.
- Access to our full suite of training videos.
- Populate your system with your local state standards* or selected national standards in Mathematics, Science, Social Studies and English Language Arts. You have the ability to upload standards for other subject areas on your own or purchase this service from Curriculum4Schools.

The annual fee includes:

- Full use of the Curriculum4Schools software
- All upgrades to Curriculum4Schools
- Free hosting of your curriculum data
- Unlimited customer service and support



*Curriculum4Schools reserves the right to offer national standards in lieu of your state standards in states where this data is not readily available. Be sure to inquire about this during the sales process.

Curriculum4Schools
PO Box 2568
2300 State Road 44
Oshkosh, WI 54903
Phone: 920-236-0880
Fax: 920-424-3478
info@4schools.net





Contact

Curriculum4Schools Contact Information

As a small business, we aim to be very responsive to your needs, and provide quality, value, and service at a great price. We believe Curriculum4Schools can assist you in meeting your mission; it's our desire to help you succeed and further strengthen the education of all students.

Curriculum4Schools is a product developed by [CESA #6](#) in Oshkosh, WI.

CESA 6
CMS4Schools
2300 State Road 44
Oshkosh, WI 54904

Web: www.curriculum4schools.com

Toll Free: 888.755.6430

Fax: 920.424.3478

Email: info@4schools.net

Curriculum4Schools

PO Box 2568
2300 State Road 44
Oshkosh, WI 54903
Phone: 920-236-0880
Fax: 920-424-3478
info@4schools.net

